

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

CHRISTOPHER LEE CONNERS,  
*Petitioner.*

No. 2 CA-CR 2015-0334-PR  
Filed November 24, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See* Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

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Petition for Review from the Superior Court in Gila County

No. S0400CR201200431

The Honorable Timothy M. Wright, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Bradley D. Beauchamp, Gila County Attorney  
By June Ava Florescue, Deputy County Attorney, Globe  
*Counsel for Respondent*

Harriette P. Levitt, Tucson  
*Counsel for Petitioner*

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Judge Howard and Judge Kelly<sup>1</sup> concurred.

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V Á S Q U E Z, Presiding Judge:

¶1 Petitioner Christopher Conners seeks review of the trial court's order denying his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. "We will not disturb a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Conners has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Conners was convicted of aggravated assault, a domestic-violence offense, and weapons misconduct for possessing a weapon as a prohibited possessor. The trial court sentenced Conners to enhanced, aggravated, consecutive prison terms, totaling fourteen years' imprisonment.

¶3 Conners thereafter sought post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record and "found no claims which could be raised under Rule 32." The trial court allowed Conners sixty days in which to file a supplemental, pro se petition. When he failed to do so, the court denied relief. Conners did not seek review of that denial.

¶4 Conners filed a petition for post-conviction relief approximately a year later, claiming that he had received ineffective assistance of trial counsel and that his plea had not been "knowing [ ] or voluntary." In a supplemental petition, filed by retained

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<sup>1</sup>The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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counsel, he also claimed his first Rule 32 counsel had been ineffective. The trial court summarily denied relief and also denied Conners's subsequent motion for reconsideration.

¶5 On review, Conners again contends he received ineffective assistance of counsel in relation to sentencing and argues the trial court abused its discretion in denying relief without an evidentiary hearing. His claim of ineffective assistance of trial counsel, however, is precluded by his failure to raise it in his first Rule 32 proceeding. *See* Ariz. R. Crim. P. 32.2(a)(3). And, because he did not initiate his second proceeding until more than a year after relief was denied in his first proceeding, his claim of ineffective assistance of Rule 32 counsel, which arises pursuant to Rule 32.1(a), is barred as untimely.<sup>2</sup> *See* Ariz. R. Crim. P. 32.4(a).

¶6 Therefore, although we grant the petition for review, we deny relief.

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<sup>2</sup>Although Conners also claimed in his pro se petition to be seeking relief pursuant to Rule 32.1(h), and such a claim is not barred in an untimely proceeding, *see* Ariz. R. Crim. P. 32.4(a), he has abandoned that claim on review, *see State v. Rodriguez*, 227 Ariz. 58, n.4, 251 P.3d 1045, 1048 n.4 (App. 2010) (declining to address argument not raised in petition for review).